

06.4.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Zahir Shah, Assistant and Yar Gul, Assistant for the official respondents present and reply filed. They also produced copy of summary moved before passing the impugned order, which is placed on file. None is available on behalf of private respondent No. 5 despite proper service, hence placed ex-parte. To come up for arguments on stay application as well as merits of the case on 11.5.2015. Rejoinder, if any, in the meantime.

  
MEMBER

  
MEMBER

11.05.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Yar Gul, Assistant for the official respondents present. Mr. Ghulam Mohyud Din Malik, Advocate on behalf of private respondent No. 5 appeared and submitted Wakalatnama and application for setting aside ex-parte proceedings dated 6.4.2015. Copy handed over to junior to counsel for the appellant for reply/arguments on 11.08.2015.

  
MEMBER

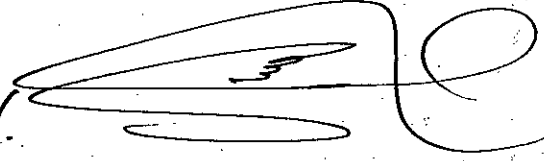
  
MEMBER

11.08.2015

Counsel for the appellant, Mr Yar Gul, Assistant and Mr. Anjad Ali, Assistant alongwith Mr. Ziaullah, GP for the respondents present. Representative of the respondents submitted copy of Notification dated 30.04.2015 wherein submitted that Dr. Kausar Parveen has gone on LPR who will stand retired w.e.f 31.07.2015 and hence the appeal has become infructuous. As such the appeal is disposed off accordingly. File be consigned to the record.

Announced  
11.08.2015

  
Member

  
Member

1044/14

20.11.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Sheryar, Assistant & Yar Gul, Assistant for the official respondents present. None is available on behalf of private respondents. The Tribunal is incomplete. To come up for the same on 24.12.2014.



READER

24.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, & Yar Gul, Assistants for the official respondents present. None is available on behalf of private respondents. The Tribunal is incomplete. To come up for the same on 4.2.2015.



READER

4.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Yar Gul, Assistant for respondents No. 1 to 4 present and requested for time to file written reply on main appeal. None is available on behalf of private respondent No.5. Fresh notice be issued to respondent No. 5. To come up for written reply of all the respondents on main appeal as well as reply of respondent No. 5 on stay application and arguments on stay application on 6.4.2015. Representative of the official respondents is directed to submit summary moved before passing the impugned order, on the date fixed.



MEMBER

1157



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

DATED PESH: THE 30<sup>TH</sup> APRIL 2015

NOTIFICATION

*W. R. K.*

*E*



No. SOH-I/HD/3-112/86 The Competent Authority is pleased to accord sanction to the grant of Leave Preparatory to Retirement (LPR) for 365 days with effect from 1/8/2014 in favour of Dr. Kausar Perveen, Senior Distt: Specialist Gynaecology. (BS-19) DHQH Lakki Marwat.

2. She will stand retired from Govt. service w.e.f 31/07/2015 (A.N).

SECRETARY HEALTH

Endst No and date even

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Medical Supdt; DHQH, Lakki Marwat.
3. Distt: Accounts Officer, Lakki Marwat.
4. Doctor concerned.
5. Personal file of the doctor concerned.

*(Signature)*  
(Misbah Riaz)  
Section Officer-I

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No. 8797-803/E.I

Dated: 18/5/2015

Copy of the above is forwarded to:-

1. DHQ Hospital Lakki Marwat.
2. DHO Lakki Marwat.
3. DAO Lakki Marwat.
4. DHIS Cell DGHS, Peshawar.
- 5 to 7. AE-I/AE-II/AE-IV DGHS KPK Peshawar.

For information and necessary action.

*(Signature)*  
Assistant Director (P-I)  
DIRECTORATE GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

*14/5*

Cc:-

Secretary to Govt. of Health Department KPK for information

12.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, Assistant for respondents No. 1 to 3 present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 14.10.2014.

  
READER

14.10.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sher Yar, Assistant and Gul Yar, Assistant for the official respondents Junior to Mr. Ghulam Muhy-ud-Din Malik, Advocate present and wakalatnama filed on behalf of the private respondent No.5. Respondents need further time. To come up for reply/arguments on stay application on 22.10.2014. Representatives of the official respondents are directed to produce summary moved before issuance of impugned transfer order of the appellant on the date fixed.

  
MEMBER

22.10.2014

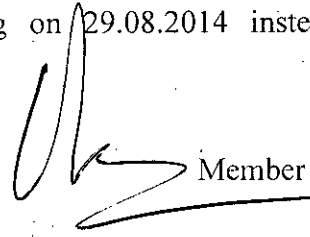
Clerk to counsel for the appellant, Mr. Kabeerullah Khattak, Asstt. A.G with Sheryar, Assistant and Yar Gul, Assistant for the official respondents and clerk to counsel for private respondent No. 5 present. Written reply of official respondents received on stay application and requested that summary moved before issuance of impugned order will be produced on the next date. Request also made on behalf of private respondent No. 5 for submission of written reply. To come up for written reply on main appeal as well as reply/arguments on stay application on 20.11.2014.

  
MEMBER

Appeal No. 1044/2014,  
Dr. Kamran Parveen

3.  
25.08.2014

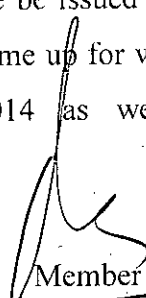
Counsel for the appellant present and filed an application for early hearing. Case file requisitioned. Application allowed. To come up for preliminary hearing on 29.08.2014 instead of 02.09.2014.

  
Member

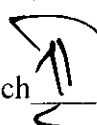
4.  
29.08.2014

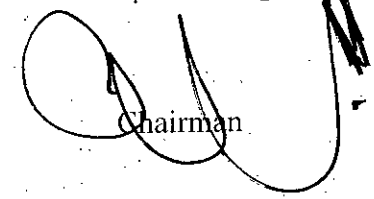
Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned transfer order dated 08.04.2014 vide which the appellant was transferred from DHQTH, D.I. Khan to DHQH, Lakki Marwat. Against the impugned order appellant filed departmental appeal on 19.04.2014 which was not responded within the statutory period of 90 days, hence the instant appeal on 15.08.2014. Counsel for the appellant has also filed an application for suspending the operation of order dated 08.04.2014. Notice of application should also be issued to the respondents for reply/arguments.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal on 20.11.2014 as well as reply/arguments on application on 12.09.2014.

  
Member

5.  
29.08.2014

This case be put before the Final Bench  for further proceedings.


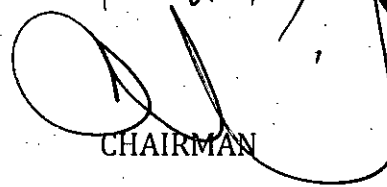
  
Chairman

*Appellant deposited  
process fee & security  
Rs. 4000/- Bank Receipt  
attached with file.*

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1044/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/08/2014	<p>The appeal of Dr. Kausar Perveen presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	18-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-9-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1046 /2014.

Dr. Kausar Parveen

VS

Govt: of KPK etc.

**INDEX.**

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	----	1 - 4
2-	Stay application	----	5 - 6
3-	Appellant's I.D card	<b>A</b>	7
4-	Ban circular.	<b>B</b>	8
5-	Order dt. 8.4.2014	<b>C</b>	9
6-	Medical certificates.	<b>D</b>	10 - 16
7-	Appeal.	<b>E</b>	17
8-	Corrigendum. 22.4.2014	<b>F</b>	18
9-	Transfer policy	<b>I</b>	19 - 26
10-	Vakalat nama	----	27

APPELLANT

THROUGH:



M.ASIF YOUSAFZAI

&



TAIMUR ALI KHAN

ADVOCATES.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**APPEAL NO. 1044 /2014.

Dr. Kausar Parveen,

Distt: Specialist, DHQ Hospital Lakki Marwat.....Appellant.

1078  
15/3/2014

**VERSUS**

- 1- The Govt: of KPK Through the Chief Secretary KPK Peshawar.
- 2- The Chief Secretary KPK Peshawar.
- 3- The Secretary Health Deptt: KPK Peshawar.
- 4- The D.G Health Services KPK Peshawar.

EX-parte 6-4-15 (5) Dr. Tahira Yasmin, Distt: Specialist , DHQ Hospital D.I Khan...

.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE POLITICALLY MOTIVATED AND VIOLATIVE TO LAW AND RULES TRANSFER ORDER DATED. 8.4.2014 PASSED DURING BAN AND AGAINST NOT TAKING ACTION ON THE APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the order dated. 8.4.2014 may be set-aside being politically motivated and passed in violation of Govt: policy/instructions as well as during ban period with further directions to the respondents not to transfer the appellant in her last leg of service as the appellant will retire from service on 28.3.2016. Any other remedy which



this august Tribunal deems fit that may also be awarded in favour of appellant.

**R.SHEWETH.**

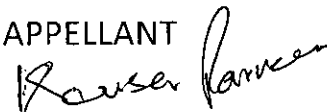
1. That the appellant joined the Health Deptt: in BPS-17. The appellant, now a days, is in BPS- 19, and working as Distt: Specialist. The appellant is a single divorced woman and will retire from service in coming 1 ½ year. Copy of the I.D card is attached as Annexure – A.
2. That the Govt: imposed ban on transfer vide notification/circular dated. 4.4.2014 wherein ban was imposed on all kind of posting/transfer in Heath Deptt: Copy of the circular is attached as Annexure – B.
3. That despite of above mentioned ban circular, the appellant was transferred vide order dated. 8.4.2014 to accommodate respondent no.5 who has strong political support and succeeded in getting transfer order despite of ban imposition circular. Copy of the order is attached as Annexure – C.
4. That the appellant is severely suffering back bone problem coupled with leg pain up to toe and for that treatment the appellant was also admitted in AVICENNA Hospital Lahore. The concerned doctor also advised complete bed rest to different periods. Copy of the M/Cs is attached as Annexure – D.
5. That the appellant filed appeal against that order on 19.4.2014 with a reminder dated. 28.4.2014. The appellant also took a ground of mentioning of incorrect name which proves that hastiness of respondent Deptt: but in response the corrigendum was issued on 22.4.2014 for reading correct name of appellant as Kausar Parveen. However, the appellant's appeal has not been responded till date despite lapse of statutory period. Copies of appeal and corrigendum are attached as Annexure – E & F.
6. That now the appellant comes to this august Tribunal on the following grounds amongst the others.

**GROUND:**

- A- That the order dated. 8.4.2014 and not taking any action o the appeal of appellant is against the law, facts, Govt; Instruction and politically motivated, therefore liable to be set-aside..
- B- That the appellant has only one and half year service and will retire from service in March 2016 and as per Govt: Instructions the appellant can not be transferred in last leg of service. Copy of the transfer policy is attached as Annexure – G.
- C- That the appellant is suffering from back bone problem and being a single parent it is impossible for her to travel to Lakki Marwat daily in old age while having permanent residence at D.I.Khan. The appellant also mentioned that reason in her appeal but despite that no action has been taken on her appeal which is the violation of judgment of the Supreme Court reported in 2011 SCMR -01.
- D- That the appellant is in BPS-19 and for her the competent authority is the C.M and order is to be signed and notified by the C.S of the Province, but the order dated. 8.4.2014 is not only issued by incompetent authority but also no proper summary was moved and approved by the competent authority. Thus the whole action of the respondent Deptt: is nullity in the eyes of law.
- E- That it is also worth to mention here that there was ban on posting/transfer in health Deptt: but despite that and without any proper ban relaxation the impugned transfer was passed which shows the malafide and ill intention on the part of respondents including political pressure used by respondent No.5
- F- That the appellant has not been treated according to law, rules and norms of justice.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT



DR. KAUSAR PARVEEN

THROUGH:



M. ASIF YOUSAFZAI

&



TAIMUR ALI KHAN

ADVOCATES.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. \_\_\_\_\_/2014.

Dr. Kausar Parveen.

VS

Govt: of KPK etc.

**APPLICATION FOR SUSPENDING THE OPERATION OF ORDER  
DATED. 8.4.2014 TILL THE DISPOSAL OF MAIN APPEAL.**

**R.SHEWETH.**

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That the impugned orders are against the law, rules and norms of justice and Govt: instructions in this behalf.
3. That all the three ingredients are in favour of appellant because the order of transfer has been passed to accommodate a blue eyed person in violation of ban and transfer policy.
4. That the grounds of main appeal may also be considered as integral part of this application.
5. That if the impugned order is not suspended then the appellant will suffer a lot because the appellant is severely suffering from back bone problem and also in old age single parent which will create hardships for appellant.

It is therefore most humbly prayed that the operation of impugned order 8.4.2014 may be suspended till the decision of main appeal. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

APPELLANT  
DR. KAUSAR PARVEEN

THROUGH:



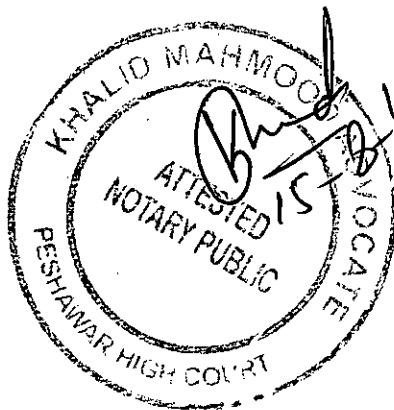
M.ASIF YOUSAFZAI

&

TAIMUR ALI KHAN  
ADVOCATES.

**AFFIDAVIT**

It is affirmed that the contents of this application are true and correct.



*Parvee*  
DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 4<sup>th</sup> April, 2014.

CIRCULAR.

No. SQ(E)H-II/4-1/2014. The Competent Authority is pleased to impose ban on all kind of postings/transfers in Health Department, Khyber Pakhtunkhwa with immediate effect till further orders.

Ban will not be applicable on the recommendees of Public Service Commission, arrival from leave/deputation, posting of TMOs/ Demonstrators/ Junior Registrars/Senior Registrars and where desired by the competent authority in exigencies of service / greater public interest.

SECRETARY HEALTH  
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:

1. Accountant General of Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. All Chief Executives of Teaching Hospitals in Khyber Pakhtunkhwa.
4. All Principals of Medical Colleges in Khyber Pakhtunkhwa.
5. All District Health Officers in Khyber Pakhtunkhwa.
6. All Medical Superintendents in Khyber Pakhtunkhwa.
7. Deputy Director (IT), Health Department.
8. All Section Officers Health Department.
9. PS to Minister for Health Khyber Pakhtunkhwa.
10. PS to Secretary Health Department.
11. PA to Special Secretary Health Department.
12. PA to AS (E) Health Department.
13. PA to AS (D) Health Department.
14. PAs to Deputy Secretaries Health Department.

  
(Mubash Riaz)  
Section Officer-II

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

DATED PESH: THE 8<sup>TH</sup> APRIL 2014

Notification

No.SOH-I/HD/3-273/2014 The Competent Authority is pleased to order the posting/transfer of the following Senior Distt. Specialists Gynaecology (BS-19) with immediate effect:-

S.No.	Name of doctor	From	To
1.	Dr. Tahira Yasmin, Senior Distt. Specialist Gynaecology (BS-19)	DHQH, Lakki Marwat	DHQTH D.I.Khan.
2.	Dr. Izhar Kausar, Senior Distt. Specialist Gynaecology (BS-19)	DHQTH D.I.Khan	DHQH Lakki Marwat.

SECRETARY HEALTH

Endst No and date even

C.C

1. Director General Health Services, Khyber Pakhtunkhwa.
2. Chief Executive, DHQTH/MMMTH D.I.Khan.
3. Medical Supdt; DHTQH, D.I.Khan.
4. Medical Supdt; DHQH, Lakki Marwat.
5. Distt. Accounts Officer, D.I.Khan/Lakki Marwat.
6. Computer Programmer Health Department.
7. P.S to Secretary Health Department.
8. P.A to Addl. Secretary (Estt) Department.
9. Doctors concerned.
10. Personal files of the doctors concerned.

M/L

(Muhammad Jamil)  
Section Officer-I

Copy available on the website [www.healthkp.gov.pk](http://www.healthkp.gov.pk)

not helingwish

11/4 = received at D.I.Khan

ATTESTED

17

1

10



# AVICENNA

Medical College & Hospital  
Phase-IX D.H.A. Badli Road, Lahore.  
Website: www.avicennamcn.com.



99

Name: Dr. Kausar Parveen Sex: M Age: 57  
 Date: 15-4-2016 Time: 09:25 AM  
 B.P. 120/70 Pulse: 92/min Temp: 98.5 F Weight:

Diagnosis: Backache. PVD L5/S1

Treatment: \* Adv. Admiss. of Ortho

C/C: Backache - 2 wks  
Radiating to Rt. leg  
Local tenderness +ve.

SLR: 50° (Rt side)

No per-circal numbness.

X-ray L5/Sacral spine  
showing ↓ vertebral height  
at L4-L5 and L5-S1.  
Babinski equivocal on both sides

Adv:

- MRI, Lumbo sacral spine
- CBC
- Chest x-ray (PA) view
- ECG

Rx: \* Jay Tolela

1) Tab. Hydrocortisone  
15mg

2) Tab. Methypred  
16mg

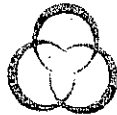
3) Tab. Synthelone  
15mg

4) Tab. Tolela  
15mg

**ATTESTED**

Dr. Jigar  
15/4/16





**AVICENNA AVICENNA**  
 MEDICAL COLLEGE HOSPITAL  
 Badian Road, Phase-IX, D.H.A. Lahore  
 Tel: 042-35600456, 0321-7777357,  
 0322-8400970, Fax: 042-35600380  
 Email: info@avicennamch.com  
 Website: www.avicennamch.com

**AVICENNA**  
 Medical College & Hospital

MR # 296

(11)

PATIENT'S DISCHARGE CARD

Patient's Name: <u>Kausar Pameer</u>	Age: <u>57y</u>	Sex: <u>F</u>	Ward: <u>Ortho</u>	Bed No. <u>2</u>	MR. No. <u>296</u>
Admitted On <u>15-4-2014</u>	Discharged On <u>19-4-2014</u>	Number of Days <u>5</u>		Professor <u>Talal Sb</u>	

Diagnosis: DVD L5-S1

Investigations: CBC, X-ray LSacral, PEG, Chest X-ray

Treatment in Hospital: Prescribed  
 1) TAB Hignab 150mg 2) Tab Nubrel 400 3) Tab Synflex 500mg 4) Tab Zactac 150mg

Operation Notes: N/A

Condition at Discharge: Satisfactory

Treatment at Discharge: PTO

You are advised to consult Dr. Ghani Sb after 2 wks days at Rm 12

You are advised to contact the hospital immediately in case of an emergency.

Your investigation, X-rays and other diagnosis are attached with this Report.

Please bring this card for each follow up visit

**CERTIFICATE**

I hereby certify that I have received all the reports and that the contents of this discharge slip are correct.

کے بعد دوبارہ درکھائیں۔ تب تک تمام ادویات جاری رکھیں۔

Signature

DATE: <u>19-4-2014</u>	TIME: <u>11:30 AM</u>	DOCTOR'S NAME: <u>MUDASSAR RIAZ KHAN</u>
------------------------	-----------------------	--

Signature Mudassar Riaz Khan

**ATTESTED**

12

# FOLLOW-UP VISITS

DATE	REMARKS/ TREATMENT	PATIENT'S NAME:
	<u>Rx</u>	
	1) Tab. caplam 50mg 2002 x 3 1/2 x 1/2	
	2) Tab. Methycobal 0.6 1/2 x 2 1/2 x 1/2	
	2) Tab. Higab 150mg 2002 x 1 + 1	
	3) Tab. Diagesic 200 1/2 x 1 + 1	
		M. Hassan (107)
<u>Adv</u>	Rest for 2wks and review after 15 days.	19/4/2014

ATTESTED  
A



Name: Dr. Kausar Perveen Sex:  M  F Amount:

Date: 03-05-2014 Time: 10:30 AM Age: 57 yrs

B.P. 120/70 mmHg Pulse: 77/min Temp: 97.7 Weight:

Diagnosis: P1VD L4, L5

Treatment:

Backache radiating  
to Rt. leg  
Numbness Rt leg.  
SLR: 50°  
Digital X-ray shows  
decrease in height  
at L4-L5

- Rx
- 1) Tab. Diclofenac  
Itab x TID
  - 2) Tab. Calcium  
Some  
Plox BID
  - 3) Tab. Aligab  
1mg  
Plox BID
  - 4) Tab. Therapean L'Hra  
Plox OD

- MRI L5/S1  
- Follow up after  
2 wks

Adv:  
Bed Rest for  
2 wks  
follow up after  
2 wks

Dr. Kausar Perveen  
03/05/2014

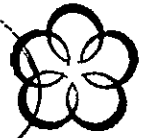
ATTESTED  
A

# AVICENNA

Medical College & Hospital

Phase-IX D.H.A. Badian Road, Lahore.

Website: www.avicennamch.com



AVICENNA  
MEDICAL COLLEGE

93

No.

Name: Dr. Kausar Parveen	Sex: M <input checked="" type="radio"/> F	Amount: _____
Date: 17-5-2014	Time: 10:45 AM	Age: 38 yrs
B.P. 110/70 mmHg	Pulse: 70/min.	Temp: _____
Weight: _____		

Diagnosis: PVD L<sub>4</sub>-L<sub>5</sub> disc numbers Rt. leg.

Treatment

No Bilateral leg pains  
starting from back and  
extending till toe of feet.  
Numbness Rt. leg > Lt. leg.  
- al x-ray L/sacral ↓ VB height  
- L<sub>4</sub>-L<sub>5</sub>  
- L<sub>5</sub>  
- L<sub>5</sub>  
- L/sacral spine  
Surgery for prolapsed Disc  
SLR - 45° Rt. leg.  
Rest for 2 wks.

Rx-

- 1) Tab Higab 100mg  
پہلے 100mg
- 2) Tab. Synflex 350mg  
پہلے 350mg
- 3) Cap. Riset 20mg  
پہلے 20mg
- 4) Tab. Diagesic 2 tabs TDS

Dr. MUDASSAR RAZ  
17/5/14.

ATTESTED

Express & Logistics  
TTS

WWW.ICS.COM.PK  
111 123 456



**AVICENNA AVICENNA**  
 MEDICAL COLLEGE HOSPITAL  
 Badian Road, Phase-IX, D.H.A. Lahore  
 Tel: 042-35600456, 0321-7777357,  
 0322-8400970, Fax: 042-35600380  
 Email: info@avicennamch.com  
 Website: www.avicennamch.com

**AVICENNA**  
**Medical College & Hospital**

15

DOR  
 Dr. Waheed  
 10/6/14

**PATIENT'S DISCHARGE CARD**

Patient's Name: <u>Kausar Parveen</u>	Age: <u>59y</u>	Sex: <u>F</u>	Ward: <u>NSU</u>	Eed No. <u>2</u>	MR. No. <u>22</u>
Admitted On <u>2-6-14</u>	Discharged On <u>10-6-14</u>	Number of Days <u>7</u>	Professor <u>Nasim Sb.</u>		

Diagnosis: Acute Cholecystitis.

Investigations: CPK & ESR, LFT's, U/L abdomen.

Treatment in Hospital: Prescribed.

Operation Notes: NIA

Condition at Discharge: Satisfactory.

Treatment at Discharge: PTO.

You are advised to consult Nasim Sb after 10 days at Rm 30

You are advised to contact the hospital immediately in case of an emergency.  
 Your investigation, X-rays and other diagnosis are attached with this Report.  
 Please bring this card for each follow up visit

**CERTIFICATE.**  
 I hereby certify that I have received all the reports and that the contents of this discharge slip are correct.

Signature \_\_\_\_\_  
 کے بعد دوبارہ دکھائیں۔ تب تک تمام ادویات جاری رہیں۔

DATE: <u>10/6/14</u>	TIME: <u>10:00 AM</u>	DOCTOR'S NAME: <u>Dr. Waheed</u>
----------------------	-----------------------	----------------------------------

Signature \_\_\_\_\_



**ATTESTED**  
 Gynaecologist.

# FOLLOW-UP VISITS 16

DATE	REMARKS/ TREATMENT	PATIENT'S NAME:
	<u>2) D<sub>2</sub></u>	
	1) The Nevidol	
	30mg	
	2x1	
	2) Tab. Avonek	
	30mg	
	2x1	
	3) Syn Gauricon	
	2x2	
	2x2	
	<u>Adv</u>	
	Rest for one month.	
	Review after 2 wks.	
	Surgery after 4 wks.	
	10/6/14 Dr. LIKAT	

ATTESTED

*[Signature]*

To,

Secretary Health,  
Khyber Pakhtunkhwa Health Department,  
Peshawar.

Through:-

**PROPER CHANNEL**

Subject:-

**TRANSFER**

R/Sir,

With reference to notification no. SO 11-1/I ID /3-273/2014 dated 8<sup>th</sup> April 2014.

I have been transferred from DHQ D.I.Khan to D.H.Q Lakki Marwat the afore said transfer is not Justified on the following grounds that.

1. I have attained fifty eight years of my age and left only two years for my retirement from service.
2. It is incumbent upon government to transfer official during last two years of service for attaining age of superannuation.
3. I have unblemished record of service at D.I.Khan.
4. I am all alone as my husband has divorced me and therefore settled in D.I.Khan where I owned a house.
5. It is not humanly possible for me at this age of my service to move to far flung area.
6. It is also astenished to note that transfer has been made with political pressure as my name is wrongly written, which speaks of mala-fide intention which is un-justified and un-warranted.

In the circumstances and also on humanitarian grounds your requested to reconsider the matter and cancel my transfer order to D.H.Q Lakki Marwat.

So that I may remain at D.I.Khan till I attained the age of super annotation.

Your's Obediently!

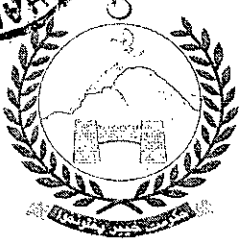
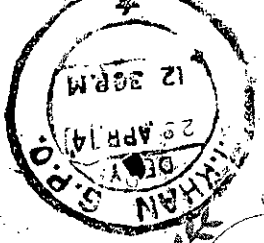
Dr - 19/04/14

Kosar Parveen

**L.Dr. Kosar Parveen,**  
**District Specialist**  
**D.H.Q D.I.Khan**

**ATTESTED**  
**A**

Copy in advance to secretary Govt: of Khyber Pakhtunkhwa Health Department for information and consideration.



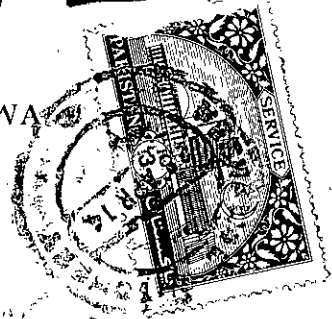
18

4

F

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

DATED PESH: THE 22<sup>ND</sup> APRIL 2014



Secretary of Health Services  
Government of Khyber Pakhtunkhwa  
Peshawar

540/PP  
3/5/14

Corrigendum

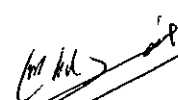
No.SOH-I/HD/3-273/2014 The name of Dr. Izhar Kausar, Senior Distt. Specialist Gynaecology (BS-19) transferred from ~~DHQTH D.I.Khan~~ to DHQH Lakki Marwat mentioned at S.No.2 vide this department Notification of even No dated 8<sup>th</sup> April 2014 may be read as **Dr. Kausar Parveen** instead of Dr. Izhar Kausar.

SECRETARY HEALTH

Endst No and date even

C.C

1. Director General Health Services, Khyber Pakhtunkhwa.
2. Chief Executive, DHQTH/MMMTH D.I.Khan.
3. Medical Supdt; DHQTH, D.I.Khan.
4. Medical Supdt; DHQH, Lakki Marwat.
5. Distt: Accounts Officer, D.I.Khan/Lakki Marwat.
6. Computer Programmer Health Department.
7. P.S to Secretary Health Department.
8. P.A to Addl. Secretary (Estt) Department.
9. Doctors concerned.
10. Personal files of the doctors concerned.

  
(Muhammad Jamil)  
Section Officer-I

Copy available on the website [www.healthkp.gov.pk](http://www.healthkp.gov.pk)

ATTESTED  
/





19

**GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)**

**POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.**

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) 1{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained  
  
<sup>2</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

<sup>1</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- (xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
**<sup>1</sup>DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;**
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

<sup>1</sup> Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

(22)

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{*Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003*}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

**SPECIMEN NOTIFICATION.**

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

**NOTIFICATION**

NO. The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

5.

23

(NAME)  
SECTION OFFICER  
Administrative Department

*{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.*

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

*{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.*

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

*{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}*

.....  
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{*Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004.  
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.*}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{*Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005*}

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{*Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007*}

#### PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

<sup>1</sup> Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007

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officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
  - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
  - c) Earmarked as a visiting faculty member for specific subject.
- 
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
  - vi) The Normal tenure of posting as already provided in the policy would be ensured;
  - vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
  - viii) No participant will decline/represent against his/her posting.

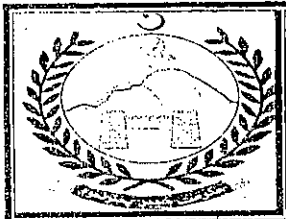
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ATTESTED

A

(N)

26



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1 -4/2005/Vol-II  
Dated Peshawar, 27<sup>th</sup> February, 2013

Environment Department  
Govt. of Khyber Pakhtunkhwa  
Secy, P&D  
Dated 28-2-2013

To  
*[Handwritten signature]*

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

(ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

*DS-II*

*SO*  
*4/3*

*mayam*

*Spl. Secy*  
*[Handwritten signature]*

*SO Secy Est*  
*[Handwritten signature]*  
*5/3*

**ATTESTED**



- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

*najam*  
(NAJ-MUS-SAHAR)  
SECTION OFFICER (REG-VI)

**Encl: as above.**

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*najam*  
SECTION OFFICER (REG-VI)

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Kausar Parveen (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Health Dept. (Respondent)  
(Defendant)

I/We Kausar Parveen (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** <sup>by Taimur Ali Khan</sup> <sub>Adv</sub> to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

Kausar Parveen  
( CLIENT )

ACCEPTED

M. Asif Yousafzai  
**M. ASIF YOUSAFZAI**  
Advocate

Taimur Ali Khan  
**TAIMUR ALI KHAN**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1044/2014

Dr. Kausar Parveen.

VS

Health Deptt:

**APPLICATION FOR FIXING AN EARLY**

**DATE OF HEARING INSTEAD OF 2.9.2014.**

**R.SHEWETH.**

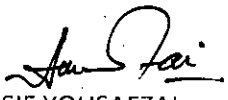
- 1- That the above mention appeal has been filed along with a stay application in which the date is fixed as 2.09.2014 before Primary Bench,
- 2- That as the impugned transfer order has been challenged in the main appeal and for its suspension a stay application is also filed which needs urgent hearing.
- 3- That the impugned order has been passed in total violation of law and rules and its existence in field will cause hardships to appellant, therefore, urgent hearing is requested.

It is therefore most humbly prayed that an early date may please be fixed instead of 2.9.2014 to meet the ends of justice.

APPELLANT

MUHAMMAD IQBAL.

THROUGH:

  
M.ASIF YOUSAFZAI

ADVOCATE.

37

**BEFORE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 1044/2014.**

Dr. Kauser Perveen.....**Appellant.**

**Versus.**

Government of Khyber Pakhtunkhwa & Others.....**Respondents.**

Parawise comments on behalf of respondent No.3 & 4.

**Preliminary Objections:-**

1. That the appellant has no cause of action.
  2. That the appeal is not maintainable and also time barred.
  3. That the appeal is bad for mis joinder and non joinder of necessary parties.
  4. That the appellant has no locus standi and also estopped by his own conduct.
  5. That the appellant has not come to the Tribunal with clean hands.
- 10/2/2015

**ON FACTS.**

1. Correct, however she will retire from service on 27.03.2016, her date of birth is 28.03.1956.
2. Correct, but where desire by the competent authority in exigencies of service/ greater public importance can transfer employee.
3. Incorrect. The transfer order in public interest and according to law.
4. Subject to proof, However the impugned order is in accordance with S.10 of Civil Servant Act 1973.
5. Pertains to record. However the impugned order in public interest and is in accordance with law.
6. No comments.

**GROUNDS.**

- A. Incorrect, the appellant has been transfer by the competent authority in Exigencies of service/ greater public interest, and is according to law.
- B. Incorrect, The impugned order is in accordance with law.
- C. Subject to proof. But the appellant has been transfer by the competent authority and ban will not applicable on transfer where desired by the competent authority in the public interest.
- D. Incorrect. The transfer order issued in respect of appellant with the approval of competent authority under the law and issued by concerned section officer of Health Department under the law.
- E. Incorrect, there is nothing repetition of narration of ban inspired of the fact that competent authority can transfer even in the ban in exigencies of service/ greater public importance.

◀ F. Incorrect. The appellant has been treated according to law, rules and Norms of justice.

G. The Respondent seeks permission of this Honourable Tribunal to advance further grounds/Arguments during course of Arguments.

**Pray.**

It is therefore most humbly prayed that the appeal of the appellant may kindly be dismissed with cost.



Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.4)

Ri  
10/2/2015



Secretary to  
Government of Khyber Pakhtunkhwa  
Health Department, Peshawar.  
(Respondent No.3)

Government of Khyber Pakhtunkhwa  
Health Department

1081

SUMMARY FOR CHIEF MINISTER

Subject: Premature retirement and LPR of Dr. Kausar Perveen D/O Abdul Majeed Senior Distt: Specialist Gynaecology (BPS-19), DHQH Lakki Marwat

The Director General Health Services, Khyber Pakhtunkhwa has forwarded an application of Dr. Kausar Perveen, Senior Distt: Specialist Gynaecology (BPS-19), DHQH Lakki Marwat requesting for 365 LPR w.e.f 1/8/2014 and subsequent premature retirement from service (Annex-I).

2. Particulars of service of the doctor are as under:-

i.	Date of birth	28/3/1956
ii.	Date of joining Govt. service as Medical Officer	1/1/1981
iii.	Present posting	Senior Distt. Specialist Gynaecology (BS-19)
iv.	Total service	33 years 06 months and 30 days upto 31/7/2014 (A.N).

3. The Medical Sudpt; DHQH Lakki Marwat has certified that nothing is outstanding against her (Annex-II). The Distt: Accounts Officer Lakki Marwat has certified that sufficient leave is available at the credit of the doctor concerned and she is entitled for 365 days LPR (Annex-III).

4. As per policy/instructions of the Provincial Govt. dated 1/11/1992, all Govt. Servants shall have the right to retire on a retiring pension after completing 25 years qualifying service provided that a Govt. Servant, who intends to retire before attaining the age of superannuation, shall at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire (Annex-IV).

5. Since Dr. Kausar Perveen, Senior Distt: Specialist Gynaecology (BS-19) has completed 33 years 06 months and 30 days qualifying service, therefore, Health Department proposes that 365 days LPR w.e.f 1/8/2014 may be granted to the doctor concerned and is proposed to be retired from Govt. service with effect from 31/7/2015 (AN).

SUMMARY FOR CHIEF MINISTER

1083

Subject:- Premature retirement and LPR of Dr. Kausar Perveen D/O Abdul Majeed Senior Distt: Specialist Gynaecology (BPS-19), DHQH, Lakki Marwat

6. Orders of the Chief Minister, Khyber Pakhtunkhwa are solicited on the proposal contained in para-5 above.

*Qulbunwan*  
(Dr. Aftab Akbar Durrani) 12/11/14  
Secretary Health

Minister for Health, Khyber Pakhtunkhwa

*Shahwan*  
14/11/14

Chief Secretary, Khyber Pakhtunkhwa

PSO

1085  
The Summary regarding pre-mature retirement and LPR of Dr. Kauser Perveen D/o Abdul Majeed, Senior District Specialist Gynecology (BPS-19) DHQH, Lakki Marwat has been examined. It is observed that the requirement at S.No.(1),(2) and (3) of para-3 of the Government instruction for premature retirement (Annex-IV) have neither been mentioned in the summary nor such certificates provided, which are prerequisite in such case.

8. The summary is returned for doing the needful and re-submit a complete case for approval of the competent authority.

*Akhtar Nazir*  
(DR. AKHTAR NAZIR,  
SECRETARY (ESTABLISHMENT)  
20<sup>th</sup> November 2014

SECRETARY HEALTH



**BEFORE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No.1044/2014.**

Dr. Kausar Parveen.....Appellant.

**Versus.**

Government of Khyber Pakhtunkhwa and Others.....Respondents.

**REPLY ON BEHALF OF RESPONDENT NO.3 & 4 IN RESPONSE TO  
THE APPLICATION SUBMITTED BY APPELLANT FOR THE GRANT OF  
STATUS QUO.**

**Respectfully Sheweth:-**

1. No comments.
2. Incorrect. The impugned order is in accordance with Law, Rules and Norms of justice.
3. Incorrect. All the three ingredients are in favor of the Respondents. The transfer order is in public interest and according to Law.
4. That as the order dated 08.04.2014 has been passed issued by a proper Government authority, therefore under 56 (d) of specific Relief such orders can not be stayed/suspended. Further reply to the main appeal may be considered as part of this reply.
5. Incorrect. In case of suspension, public at large will suffer irreparable loss.

It is therefore most humbly prayed that the application may kindly be dismissed with cost.

Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.04)

*Yusuf*  
15/10/14

Secretary to  
Government of Khyber Pakhtunkhwa  
Health Department, Peshawar.  
(Respondent No.03).

22/10/14

**BEFORE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No.1044/2014.**

Dr. Kausar Parveen.....Appellant.

**Versus.**

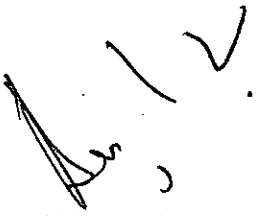
Government of Khyber Pakhtunkhwa and Others.....Respondents.

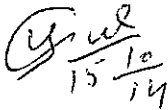
**REPLY ON BEHALF OF RESPONDENT NO.3 & 4 IN RESPONSE TO  
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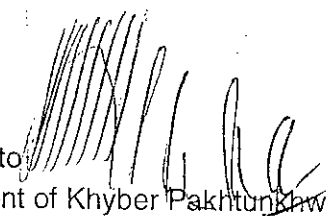
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Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.04)

  
15/10/14

  
Secretary to  
Government of Khyber Pakhtunkhwa  
Health Department, Peshawar.  
(Respondent No.03).